

No. 14-0064 SW

On May 28, 2014, we held a hearing. Assistant Attorney General Michael R. Cherba represented the Committee. Jackson represented herself. The matter became ready for our decision on June 10, 2014, the date the transcript was filed.

### **Findings of Fact**

1. In 2007, Jackson received her master's degree in social work from the University of Kansas.
2. From November 8, 2009 until September 27, 2011, Jackson practiced as a social worker in the state of Kansas. During that period, Lura L. Borsdorf supervised Jackson's practice of social work.
3. Borsdorf was licensed as a specialist clinical social worker on July 21, 2005. She was a licensed social worker who had been practicing as such for five years in July 2010.
4. Borsdorf did not have approved course work and 16-hour supervision training courses that met the requirements set forth by the Committee.
5. On December 18, 2012, the Committee received a form entitled "Attestation of Supervised Social Work Experience" from Jackson.
6. On December 20, 2012, the Committee mailed a letter to Jackson informing her that she needed to complete an additional 42 hours of face-to-face supervision before submitting her application.
7. Jackson completed 42 hours of supervision in Missouri and submitted a letter asking the Committee to accept her Kansas hours.
8. On November 18, 2013, the Committee notified Jackson that she needed to submit her application before it would review her request.
9. Jackson submitted her application to the Committee.
10. By letter dated December 16, 2013, the Committee denied Jackson's application because her supervisor in Kansas did not meet the requirements to be a qualified clinical supervisor.

## Conclusions of Law

We have jurisdiction to hear Jackson's complaint.<sup>1</sup> The applicant has the burden to show she is entitled to licensure.<sup>2</sup> We decide the issue that was before the Committee,<sup>3</sup> which is the application. We exercise the same authority that has been granted to the Committee.<sup>4</sup> Therefore, we simply decide the application *de novo*.<sup>5</sup> When an applicant for licensure files a complaint, the agency's answer provides notice of the grounds for denial of the application.<sup>6</sup>

Jackson asks us to give her credit for her hours of supervised practice in Kansas. The Committee argues Jackson is not qualified for licensure because her clinical social work practice in Kansas was not under the supervision of a qualified clinical supervisor. An applicant must complete his or her supervised clinical experience with a qualified clinical supervisor.<sup>7</sup>

Section 337.600(19) (effective August 28, 2010) sets forth the requirements to be a qualified clinical supervisor:

**"Qualified clinical supervisor"**, any licensed clinical social worker who has:

- (a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;
- (b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and

---

<sup>1</sup> Section 621.045. Statutory references, unless otherwise noted, are to the 2013 Supplement to the Revised Statutes of Missouri.

<sup>2</sup> Section 621.120, RSMo 2000.

<sup>3</sup> *Department of Soc. Servs. v. Mellas*, 220 S.W.3d 778 (Mo. App., W.D. 2007).

<sup>4</sup> *J.C. Nichols Co. v. Director of Revenue*, 796 S.W.2d 16, 20 (Mo. banc 1990).

<sup>5</sup> *State Bd. of Regis'n for the Healing Arts v. Trueblood*, WD73875 (April 3, 2012); *State Bd. of Regis'n for the Healing Arts v. Finch*, 514 S.W.2d 608, 614 (Mo. App., K.C.D. 1974).

<sup>6</sup> *Ballew v. Ainsworth*, 670 S.W.2d 94, 103 (Mo. App., E.D. 1984).

<sup>7</sup> Section 337.615.1(2).

(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social workers[.]

Regulation 20 CSR 2263-2.031<sup>8</sup> (effective February 28, 2011) also sets forth the requirements for an acceptable supervisor:

(1) Acceptable Supervisors --

(A) An acceptable supervisor for a clinical or advanced macro social worker license shall

\*\*\*

3. If seeking approval of supervision on or after September 30, 2010, have completed a sixteen (16) hour continuing education course in supervision approved in accordance with the rules of continuing education:

A. Approved course work and sixteen (16)-hour supervision training courses must contain components relative to –

- (I) Supervisory Relationship and Process;
- (II) Supervision of Supervisee's Practices;
- (III) Professional Relationships;
- (IV) Work Content;
- (V) Evaluation and lifelong learning; and
- (VI) Professional Responsibility;

4. Have five (5) years of post licensure experience[.]

The Committee argues that Borsdorf does not meet the requirements to be a qualified clinical supervisor because she did not take the required 16 hours of training and because she had not practiced for five years as a social worker before beginning her supervision of Jackson.

From November 8, 2009 until September 27, 2011, Jackson practiced as a social worker in the state of Kansas under the supervision of Borsdorf. Jackson asks that she “be held to the same standards that were in place in Missouri at the time that [she] registered for supervision in Kansas.”<sup>9</sup>

---

<sup>8</sup> All references to “CSR” are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

<sup>9</sup> Jackson’s complaint.

We determine whether, **at the time of the AHC hearing**, the applicant meets the requirements for licensure.<sup>10</sup> In this case, however, Jackson is arguing that her supervisor might have been qualified under a prior law in effect when she was being supervised. But nothing would suggest we look at the law in effect when she began supervision. The regulation refers to requirements when “seeking approval of supervision[.]” The earliest date Jackson alleges she sought approval for the hours from the Committee was December 18, 2012. Both the current versions of the statute and the regulation were in effect at that time and govern the consideration of applications seeking approval of supervision on or after September 30, 2010.

It seems unfair that the law could change in the middle of someone’s supervision, adding extra requirements and invalidating the supervision. We assume this is why the Committee promulgated a regulation requiring registration of supervised social work experience prior to beginning the supervision. Regulation 20 CSR 2263-2.032 states:

(1) Supervised social work experience shall be registered for approval by the committee prior to the beginning of supervision. This will ensure that the supervision is acceptable to the committee prior to applying for licensure. In the event the applicant fails to preapprove their supervisor(s), or is applying through reciprocity, the committee at its discretion may review the supervision for compliance and consideration of licensure.

(2) Registration of supervision for social workers beginning the practice of social work under supervision in another state and intending to apply for licensure in Missouri is acceptable to the committee if the supervisor holds a license in the other state, determined by the committee to be substantially similar to Missouri’s.

Jackson could have registered with the Committee for its approval when she began her training in November 2009. We have no evidence that she did so. Therefore, the law in effect when she requested approval – the current statute and regulation – applies.

---

<sup>10</sup> *Missouri Real Estate Appraisers Commission v. Funk*, 306 S.W.3d 101, 105 (Mo. App., W.D. 2010).

For at least a portion of Jackson's supervised clinical experience, her supervisor did not meet the five-year requirement. If that were the only problem, we could at least give Jackson credit for the hours after July 21, 2010. But we find Jackson failed to prove that Borsdorf had the approved course work and 16-hour supervision training courses containing the components required in the regulation. Providing Borsdorf's resume and a list of requirements to be a play therapist simply does not supply enough information to allow us to determine whether the components of the training met the regulation's specific requirements.

Jackson failed to prove she was qualified for licensure, and we deny her application.

### **Summary**

We deny Jackson's application.

SO ORDERED on August 21, 2014.

/s/ Mary E. Nelson  
MARY E. NELSON  
Commissioner